

### **REMARKS**

The present invention is a digital camera, a mobile telephone handset including a digital camera and a method of operating a digital camera. A digital camera in accordance with an embodiment of the invention includes an image quality indicator 20 as illustrated in Figs. 3 and 6-9 and a display 4. The display displays an image together with the image quality indicator comprising a plurality of image parameters which is located within the image as illustrated in the aforementioned figures.

Claims 1-4, 9-13 and 16-18 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 6,539,177 (Parulski). Newly submitted claims 19 and 26 correspond to original claims 1 and 9 with amendments having been made thereto. Furthermore, claim 36 corresponds to the subject matter of claim 16.

Claim 19 recites a digital camera including an image quality indicator and a display and wherein the display displays an image together with an image quality indicator comprising a plurality of image parameters located within the image. This subject matter has no counterpart in Parulski in Figs. 32-37 as described in column 28, line 3 to column 29, line 48, upon which the Examiner relies. Parulski discloses the display of a single image parameter outside the picture image.

Moreover, there is a no basis why a person of ordinary skill in the art would be led to modify the teachings of Parulski to arrive at this subject matter. The claimed display of an image quality indicator comprising a plurality of image parameters located within the image provides the user versatility permitting the user to look at the picture as it appears in the display to determine whether or not the image

parameters are acceptable. In contrast, the display utilized in Parulski would require serial displays in order to inform the user of conditions in which multiple parameters pertain to image quality are required to be considered before accepting the picture.

Claim 26 recites a method of operating a digital camera comprising user interface of the digital camera with an image quality indicator containing a plurality of image parameters. As set forth above, Parulski does not disclose this subject matter.

Newly submitted claim 36 recites a method of operating a digital camera comprising providing a user interface of the camera with an image quality indicator representing image quality and determining whether the image quality has been found to be stable.

It is submitted that this subject matter is not readable upon the display of image parameters in Parulski including Fig. 33 where a scene has been properly captured and no indication of motion or exposure problems was indicated. See column 29, lines 20-32. This subject matter does not correspond to the claimed determination of stability which is supported by the flow chart of Fig. 5 of the present application.

Moreover, it is submitted that a person of ordinary skill in the art would not be motivated to modify the teachings of Parulski to arrive at the subject matter of newly submitted claim 36.

Dependent claims 20-25, 27-35 and claim 37 define more specific aspects of the present invention which are neither anticipated nor rendered obvious by Parulski.

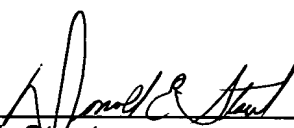
Claims 5-8, 13 and 15 stand rejected under 35 U.S.C. §103 as being unpatentable over Parulski. However, as discussed above, Parulski does not anticipate or render obvious the subject matter of claims 19, 26 and 36. Accordingly, the rejection of claims 5-8, 14, and 15 over Parulski is not applicable to the corresponding current claims.

In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance. Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (367.41017X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

  
\_\_\_\_\_  
Donald E. Stout  
Registration No. 26,422  
(703) 312-6600

Attachments

DES:dlh